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v. *Russel* (1888) 80 Me. 297, 14 Atl. 197. The courts of Utah and Massachusetts are often cited as favoring the same doctrine, but their espousal of it is based upon the peculiar draftsmanship, and the history, respectively, of the statutes locally applicable. *Wilson* v. *Fosket* (1843) 47 Mass. 400; *Coulam* v. *Douall* (1890) 133 U. S. 216, 10 Sup. Ct. 253. It will be noted that only the Maine and the California rules are diametrically opposed, since other considerations account for the holdings in the other jurisdictions. The California interpretation is defensible in that it refuses to admit, after a testator's decease, a mass of evidence of doubtful value as to his intentions; and places a premium on the sound draftsmanship of wills. The rule of the instant case would appear sounder, however, in that it insures, in the majority of cases, the effectuation of the actual intent of the testator, and construes with the utmost strictness a statute interfering with his right freely to dispose of his property. It is clear that evidence of intention to omit does not contradict, but confirms the will. However, the question is not primarily one of the law of wills, but of statutory interpretation.

DIVORCE—HABITUAL DRUNKENNESS—DRUG ADDICTION.—The plaintiff brought an action for divorce on the statutory ground of habitual drunkenness and introduced evidence to show that the defendant was addicted to the use of drugs which produced effects similar to those caused by the excessive use of intoxicating liquors. *Held,* such proof would not sustain the action. *Smith* v. *Smith* (Del. 1919) 105 Atl. 833.

"Habitual drunkenness" is usually thought of as meaning the habitual use of intoxicating liquors to excess, and is in many jurisdictions a statutory ground for divorce. Bishop, Statutory Crimes (3rd ed.) §§970, 972; 1 Bishop, Marriage, Divorce & Separation §§1781-1785. The courts have consistently interpreted "drunkenness" only in its popular sense, *i. e.,* as intoxication from alcoholic liquor, *Commonwealth* v. *Whitney* (1853) 65 Mass. 477; *Youngs* v. *Youngs* (1889) 130 Ill. 230, 22 N. E. 806; *Ring* v. *Ring* (1901) 112 Ga. 854, 38 S. E. 330, although recognizing that the evil effects of narcotics are similar to those caused by alcohol. *Dawson* v. *Dawson* (1886) 23 Mo. App. 169. Thus the use of drugs by the wife has been held to offer such "indignities" to the husband as to justify a divorce, *Dawson* v. *Dawson, supra,* and it has been intimated that drug addiction would constitute "misconduct which permanently destroys the happiness of the petitioner". See *Barber* v. *Barber* (Conn. 1851) 14 Law Rep. (O. S.) 375. In some states statutes define habitual drunkenness to include addiction to drugs, Md. Code (Bagby, 1911) Art. 16 §56; Colo. Rev. Stat. (1908) c. 42 §2134, and in others, statutes making habitual drunkenness a ground for divorce specifically include the use of narcotics. Mass. Rev. Laws (1902) c. 152 §1; N. D. Comp. Laws (1913) §§4380(3), 4385. The precedents on which the instant case rests seem justifiable only on the grounds of the courts' reluctance to usurp legislative functions, see *Youngs* v.

Youngs, supra, and their desire to preserve the integrity of the marriage relation by construing strictly statutes in derogation thereof. See *Barber* v. *Barber, supra.*

GOOD WILL—PROFESSIONAL—TRANSFERRABILITY BY BEQUEST.—The decedent, a well-known Roentgenologist, bequeathed the good will of his business together with his apparatus to his assistant, a physician. The latter opened his office in the same place that the decedent had occupied but under his own name. A transfer tax was levied on the good will. The executors appealed on the ground that no good will survived the decedent. *Held,* no good will passed subject to the transfer tax. *In re Caldwell's Estate* (1919) 176 N. Y. Supp. 425.

The good will of a business firm is a recognized asset. *Thompson* v. *Winnebago Co.* (1878) 48 Iowa 155; *Boon* v. *Moss* (1877) 70 N. Y. 465; but *cf. Chicago Life Ins. Co.* v. *Auditor* (1881) 101 Ill. 82. As such it is transferable both by sale, *Guerand* v. *Dandelet* (1870) 32 Md. 561, and through death, *Graeser's Estate* (1911) 230 Pa. 145, 79 Atl. 242, and is therefore taxable, *In re Vivanti's Estate* (1910) 138 App. Div. 281, 122 N. Y. Supp. 954. The fact that good will exists also in professions is now recognized, and a contract for its sale is valid. *Hoyt* v. *Holly* (1872) 39 Conn. 326; *Maxwell* v. *Sherman* (1911) 172 Ala. 626, 55 So. 520; but *cf. Slack* v. *Suddoth* (1899) 102 Tenn. 375, 52 S. W. 180. The question in the principal case is whether it passed by will to the decedent's assistant. Good will in a business would seem to require the combination of two elements—"continuing an established business in its old place and continuing it under the old style or name." *People ex rel. A. J. Johnson Co.* v. *Roberts* (1899) 159 N. Y. 70, 83, 53 N. E. 685. But professional good will has no local existence; it attaches itself solely to the individual as a result of the public confidence in his skill and ability, *Acme Harvester Co.* v. *Craver* (1903) 110 Ill. Ap. 413, 426, *aff'd.* 209 Ill. 483, 70 N. E. 1047; *Brown* v. *Benzinger* (1912) 118 Md. 29, 37, 84 Atl. 79, although he may bestow a vicarious good will on another by recommending him and refraining from competition. *Hoyt* v. *Holly, supra; Maxwell* v. *Sherman, supra.* In the instant case the deceased did not actively recommend his assistant to his patients, nor did the latter use the name or announce himself as the successor to the deceased, or otherwise connect himself with the person of the testator. Whatever good will the assistant enjoyed was entirely personal to him, and was gained from association with the deceased during his lifetime, and not by virtue of his will. Hence, the decision seems sound on principle although there is no case directly in point. *Cf. Ryman* v. *Kennedy* (1913) 141 Ala. 75, 80 S. E. 551; *Kremelberg* v. *Thompson* (1917) 87 N. J. Eq. 655, 659, 103 Atl. 523.

INJUNCTIONS—BASIS OF JURISDICTION—PROTECTION OF PERSONAL RIGHTS.—The defendant was living in a state of fornication with